



State of Tennessee Department of Children's Services

Administrative Policies and Procedures: 24.13

Subject: Access to Legal Counsel For Youth in DCS Group Homes

Supersedes: DCS 24.13, 03/01/04

Local Policy: No

Local Procedures: No

Requires Training: No

Applicable Practice Model Standard(s): Yes

Approved by:

A handwritten signature in cursive script, reading "Sheila P. Miller", is positioned next to the "Approved by:" label.

Effective date: 02/01/01

Revised date: 04/01/05

Application

To All Department of Children's Services DCS Group Home Employees and Youth

Authority: TCA 37-5-106

Policy

Attorneys or authorized legal counsel representatives shall be granted liberal access to youth in all DCS group homes for the purpose of interviewing, consulting with and providing legal services to youth. If necessary, staff must assist all youth in making confidential contacts with attorneys and/or their authorized representatives to include but not limited to telephone communications, uncensored correspondence and visits.

Procedures

**A. Scheduling
guidelines for
attorney visits**

1. Attorneys shall be permitted access to youth during the times established by the facility between the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday.
2. Attorneys who desire access to visit with a particular youth are urged to contact the facility supervisor or designee in advance of the intended visit to facilitate entry into the facility and to set up meeting arrangements.

B. Accommodating attorney visits when emergency circumstances are present

1. Under emergency situations, or for other legitimate causes, reasonable attempts shall be made to provide attorneys access to youth during days/hours other than listed section in A. 1.
2. Attorneys, who desire access to visit with a particular youth in an emergency situation, should contact the facility supervisor or designee in advance of the intended visit to facilitate entry into the facility and to set up meeting arrangements.
3. In an emergency situation, failure to make advance arrangements shall not in itself preclude access if, in the opinion of the facility supervisor or designee, the visitation request can reasonably be accommodated.

C. Limited circumstances under which visits may be denied

1. The facility supervisor or designee may deny access to an attorney into a facility if their identity cannot be satisfactorily verified or if access would pose a threat to the safety and security of the facility.
2. The facility supervisor shall deny access to attorneys who refuse to complete and sign form CS-0588, *Declaration of Existing Attorney-Client Relationship or Intent to Establish Attorney-Client Relationship*.
3. The facility supervisor must also consult with the DCS Director of General Counsel any time an attorney requests to visit a youth and refuses to sign the form.

D. Guidelines for conducting interviews

1. Attorneys desiring access to a youth shall complete and sign form CS-0588, *Declaration of Existing Attorney-Client Relationship or Intent to Establish Attorney-Client Relationship*. The attorney shall present his or her Tennessee Attorney Registration Card to the facility supervisor or designee. The supervisor or designee shall sign the form as a witness.
2. If the youth is not a client of the attorney, but is a potential client, the youth shall be required to complete form, CS-0318, *Legal Aid Request*, before participating in the interview. If the youth is neither a client nor potential client, visitation may occur only if allowed by other policy provisions and all conditions of the policy are satisfied.

3. Attorneys or authorized legal representatives who enter the facility shall be subject to routine visitor search procedures. Briefcases may be searched for contraband, but the papers therein shall not be read or reviewed.
4. Unless specifically authorized by the facility supervisor or designee, the participants at the interview will be limited only to the youth, his or her attorney and agents of the attorney with whom communications would also be privileged.
5. The facility supervisor or designee shall make every reasonable effort to provide a room where the attorney can meet confidentially with a youth. In the event that a youth must be maintained under visual supervision, a meeting place shall be provided, in which the discussion between the youth and legal counsel is confidential.
6. A request by an attorney, or an expert witness employed by an attorney, to tour a facility shall be approved in advance by the facility supervisor. The facility supervisor shall consult with the DCS general counsel prior to approving the request.

Forms/Templates

CS-0318	Legal Aid Request
CS-0588	Declaration of Existing Attorney-Client Relationship or Intent to Establish Attorney-Client Relationship

Collateral Documents

None

Standards

ACA 3-JCRF-3D-02
DCS Practice Model Standard- 8-306
DCS Practice Model Standard- 9-203